

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Thomas H. Turpen, Stephen J. Reinl,
Laurence K. Grill

Application Serial No.: 09/057,016

Filed: April 7, 1998

For: **PRODUCTION OF PEPTIDES IN
PLANTS AS VIRAL COAT PROTEIN
FUSIONS**

Group Art Unit: 1649

Examiner: Fox, D.

Attorney's Docket No. 00801.0087.US01

RECEIPT
#5REQUEST FOR CORRECT OFFICIAL FILING RECEIPTBox Application Processing Division's Customer Division Branch
Assistant Commissioner for Patents
Washington, D.C. 20231

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SEP 02 1998

GROUP 1800

Sir:

On April 28, 1998, Applicants filed a Request for Correct Official Filing Receipt to reflect the correct continuing data as claimed by Applicant. Recently, however, Applicants have become aware of further corrections that need to be made to the continuing data. Enclosed is a copy of the Official Filing Receipt marked in red to show all of the corrections that should be made to the CONTINUING DATA AS CLAIMED BY APPLICANT. The corrections are as follows:

THIS APPLN IS A CON OF WHICH IS A CIP OF	08/324,003 10/14/94 08/176,414 12/29/93	ALLOWED
THIS APPLN IS ALSO A CIP OF WHICH IS A CIP OF WHICH IS A CON OF WHICH IS A CIP OF AND A CIP OF (WHICH IS A CON OF WHICH IS A CON OF AND A CIP OF (WHICH IS A CON OF AND A CIP OF WHICH IS A CON OF WHICH IS A CIP OF AND A CIP OF	08/184,237 01/19/94 07/997,733 12/30/92 07/923,692 07/31/92 07/739,143 08/01/91 07/737,899 07/26/91 07/363,138 06/08/89 07/219,279 07/15/88 07/641,617 01/16/91 07/347,637 05/05/89 07/600,244 10/22/90 07/310,881 02/17/89 07/160,771 02/26/88 07/160,766 02/26/88	PAT 5,589,367 ABN PAT 5,316,931 ABN ABN ABN ABN ABN ABN ABN ABN ABN ABN ABN ABN

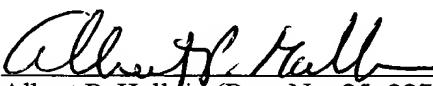
This information is found on the first page of the Application and the first two pages of the Preliminary Amendment (copies included).

Issuance of a corrected Official Filing Receipt is respectfully requested.

This Request for Corrected Official Filing Receipt is being filed to correct a Patent Office error. No fee is required.

[] The \$25.00 fee required under 37 C.F.R. §1.19(h) to correct an Official Filing Receipt due to applicant error: [] is enclosed; [] is authorized to be charged to Deposit Account No. 08-3038. This paper is submitted in duplicate.

Respectfully submitted,


Albert P. Hallin (Reg. No. 25, 227)

Date: August 26, 1998

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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/057,016	04/07/98	1632	\$436.00	801.87US01	8	4	4

DOCKET DEPT.

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HOWREY & SIMON (M.P.)

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

THOMAS H. TURPEN, VACAVILLE, CA; STEPHEN J. REINL,
SACRAMENTO, CA; LAURENCE K. GRILL, VACAVILLE, CA.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A CON OF 08/324,003 10/14/94
 WHICH IS A CIP OF 08/184,237 01/19/94 PAT 5,589,367
 WHICH IS A CIP OF 07/997,733 12/30/92
 WHICH IS A CON OF 07/923,692 07/31/92 PAT 5,316,931
 WHICH IS A CIP OF 07/600,244 10/22/90 ABN

FOREIGN FILING LICENSE GRANTED 04/18/98

* SMALL ENTITY *

TITLE

PRODUCTION OF PEPTIDES IN PLANTS AS VIRAL COAT PROTEIN FUSIONS

PRELIMINARY CLASS: 435

008010087US01
DOCKETED

Status Check

10/7/99

THIS APPLN IS A CON OF	08/324,003 10/14/94	1
WHICH IS A CIP OF	08/176,414 12/29/93	2
THIS APPLN IS ALSO A CIP OF	08/184,237 01/19/94	3
WHICH IS A CIP OF	07/997,733 12/30/92	4
WHICH IS A CON OF	07/923,692 07/31/92	5
WHICH IS A CIP OF	07/739,143 08/01/91	6
AND A CIP OF	07/737,899 07/26/91	7
(WHICH IS A CON OF	07/363,138 06/08/94	8
WHICH IS A CON OF	07/219,279 07/15/88	9
AND A CIP OF	07/641,617 01/16/91	0
(WHICH IS A CON OF	07/347,637 05/05/89	1
AND A CIP OF	07/600,244 10/22/90	2
WHICH IS A CON OF	07/310,881 02/17/89	3
WHICH IS A CIP OF	07/160,771 02/26/88	4
AND A CIP OF	07/160,766 02/26/88	5

ALLOWED

PAT 5,589,367

ABN

PAT 5,316,931

ABN

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PRODUCTION OF PEPTIDES IN PLANTS
AS VIRAL COAT PROTEIN FUSIONS

Thomas H. Turpen,

Stephen Reinl,

Laurence K. Grill

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Field of the Invention

The present invention relates to the field of genetically engineered peptide production in plants, more specifically, 10 the invention relates to the use of tobamovirus vectors to express fusion proteins.

CROSS-REFERENCE TO RELATED APPLICATIONS

The present application is a continuation-in-part of 15 application 08/176,414, filed on December 29, 1993 which is a continuation-in-part of application Serial No. 07/997,733, filed December 30, 1992.

BACKGROUND OF THE INVENTION

20 Peptides are a diverse class of molecules having a variety of important chemical and biological properties. Some examples include; hormones, cytokines, immunoregulators, peptide-based enzyme inhibitors, vaccine antigens, adhesions, receptor binding domains, enzyme inhibitors and the like. The 25 cost of chemical synthesis limits the potential applications of synthetic peptides for many useful purposes such as large scale therapeutic drug or vaccine synthesis. There is a need for inexpensive and rapid synthesis of milligram and larger quantities of naturally-occurring polypeptides. Towards this 30 goal many animal and bacterial viruses have been successfully used as peptide carriers.

The safe and inexpensive culture of plants provides an improved alternative host for the cost-effective production of such peptides. During the last decade, considerable progress 35 has been made in expressing foreign genes in plants. Foreign proteins are now routinely produced in many plant species for modification of the plant or for production of proteins for



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Turpen *et al.*

Group Art Unit: not yet assigned

Serial No.: not yet assigned

Examiner: not yet assigned

Filed: April 7, 1998

Attorney Docket No.:
00801.087.US01

For: **PRODUCTION OF PEPTIDES
IN PLANTS AS VIRAL COAT
PROTEIN FUSIONS**

**PRELIMINARY AMENDMENT
UNDER 37 C.F.R. § 1.607 COPYING CLAIMS
FROM PATENT FOR PURPOSES OF INTERFERENCE**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants present the following claims and request that an interference be declared between these claims and the claims of U.S. Patent No. 5,618,699.

AMENDMENT

IN THE SPECIFICATION:

Please amend the specification as follows:

On page 1, line 14, after "The present application is", please insert --a continuation of application 08/324,003, filed October 14, 1994, which is--.

On page 1, line 17, after "December 30, 1992." please insert:

--The present application is a continuation-in-part of Application No. 08/184,237, filed January 19, 1994, which is a continuation-in-part of Application No. 07/997,733, filed December 30, 1992, now abandoned, which is a continuation of Application No. 07/923,692, filed July 31, 1992, now Patent No. 5,316,931, which is a continuation-in-part of Applications No. 07/600,244, filed October 22, 1990, now abandoned, No. 07/641,617, filed January 16, 1991, now abandoned, Application No. 07/737,899, filed July 26, 1991, now abandoned, and Application No. 07/739,143, filed August 1, 1991, now abandoned.

Application No. 07/600,244 is a continuation of Application No. 07/310,881, filed February

17, 1989, now abandoned, which is a continuation-in-part of Applications No. 07/160,766 and No. 07/160,771, both filed on February 26, 1988 and now abandoned. Application No. 07/641,617 is a continuation of Application No. 07/347,637, filed May 5, 1989, now abandoned. Application No. 07/737,899 is a continuation of Application No. 07/363,138, filed June 8, 1989, now abandoned, which is a continuation-in-part of Application No. 07/219,279, filed July 15, 1988, now abandoned. Application No. 07/739,143 is a continuation-in-part of Applications No. 07/600,244, filed October 22, 1990, now abandoned, No. 07/641,617, filed January 16, 1991, now abandoned, and No. 07/737,899, filed July 26, 1991, now abandoned. Benefit is claimed under 35 U.S.C. § 120 with respect to Applications No. 07/923,692, filed July 31, 1992, No. 07/739,143 filed August 1, 1991, No. 07/310,881, filed February 17, 1989, and No. 07/160,766, filed February 26, 1988.--

On page 3, line 10, please replace "plan" with --plant--.

On page 7, line 9, please replace "o" with --of--.

On page 8, line 4, please replace "fusion s" with --fusions--.

On page 10, line 35, please replace "dissassembled" with --disassembled--.

On page 11, line 5, please replace "infections" with --infectious--.

On page 11, line 8, please replace "having" with --have--.

On page 11, line 13, please insert --have-- after "may".

IN THE CLAIMS:

Please cancel claims 1-13.

Please add the following claims:

--14. A plant virus vector comprising a viral assembly origin and a foreign protein gene linked downstream of a coat protein gene of a Tobamovirus via a nucleotide sequence of a Tobamovirus which causes readthrough, such that upon expression of the vector in a plant, the coat protein and a fusion protein of the coat protein and the foreign protein are systemically produced in the plant.--